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Notice of Allowability	Application No.	Applicant(s)	
	09/771,131	MIZUTANI ET AL.	
	Examiner	Art Unit	
	Alicia Chevalier	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed May 27, 2004.
2. ☒ The allowed claim(s) is/are 4-7 and 10-17.
3. ☒ The drawings filed on 26 January 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>7/24/03</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/21/04</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

Notice of Allowability

1. This application is in condition for allowance except for the presence of claim 8 to an invention non-elected without traverse, see paper #6, mailed August 14, 2002. Accordingly, claim 8 has been cancelled.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Alphonso A. Collins (43,559) on June 21, 2004.

Claim 5, line 5, deleted "mean particle" and inserted -- at least two differently sized particulate materials --.

Canceled claim 8.

Claim 11, line 4, after "least two," added -- differently sized --.

Claim 11, line 6, deleted "inorganic particle" and inserted -- at least two differently sized particulate materials --.

Claim 12, line 6, deleted "mean particle" and inserted -- at least two differently sized particulate materials --.

Claim 13, line 10, after "1.0 mm," added -- , --.

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Claim 13, line 10, after "1.0 mm," deleted -- and --.

Claim 13, line 10, before "each," added -- and --.

Claim 13, line 12, deleted "mean particle" and inserted -- at least two differently sized particulate materials --.

Claim 14, line 6, deleted "mean particle" and inserted -- at least two differently sized particulate materials --.

Claim 14, line 9, after "top sheet," added -- a plurality of protrusions extending from the body facing surface and a height of each protrusion from the body facing surface is larger than that of each fine convex portion therefrom --.

Claim 14, lines 15 and 16, deleted "a mean height ... 1.0 mm".

Claim 15, line 6, deleted "mean particle" and inserted -- at least two differently sized particulate materials --.

Claim 16, line 6, deleted "mean particle" and inserted -- at least two differently sized particulate materials --.

Claim 16, line 9, after "top sheet," added -- a plurality of protrusions extending from the body facing surface and a height of each protrusion from the body facing surface is larger than that of each fine convex portion therefrom --.

Claim 16, line 14, deleted "first fine convex" and inserted -- small-size --.

Claim 16, line 15, deleted "second fine convex" and inserted -- large-size --.

Claim 17, line 6, deleted "mean particle" and inserted -- at least two differently sized particulate materials --.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

The base claims are: 5, 11, 12, 13, 14, 15, 16 and 17.

The closest prior art found can be summarized as follows: Sorensen (U.S. Patent No. 4,327,730) in view of Gray et al. (U.S. Patent No. 5,660,788).

Sorensen discloses a disposable absorbent article (*col. 2, lines 59-60*) comprising a top sheet manufactured from a thermoplastic film that is perforated (*col. 4, lines 1-2*). The top sheet has a plurality of protrusions (*nubbles, col. 4, lines 17-18*) extending from the body facing surface (*figure 3*). As seen in figure 2 the top sheet is for covering a liquid receiving surface of an absorbent article covers the liquid receiving surface of the absorbent layer (*col. 3, lines 3-5*).

Gray discloses an absorbent article comprising an apertured plastic film/web made of thermoplastic material (*col. 5, lines 20-21*), that includes a particulate material embedded on the wearer-contacting surface of the web (*col. 5, lines 63-65*) which create fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet.

The prior art fails to teach or suggest the recited top sheet of claim 5 that includes inter alia a thermoplastic resin containing at least two differently sized particulate materials having a mean particle size in the range between 0.1 μm and 30 μm , each at least two differently sized particulate materials differing in size from each other by at least 9 μm . Furthermore, the top sheet is provided with fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet and a plurality of protrusions extending from the body facing surface, and height of each protrusion from the body facing surface is larger than that of

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each fine convex portion therefrom and a mean height of the protrusions from the surface of the top sheet is in a range between 0.05 mm and 1.0 mm.

The prior art fails to teach or suggest the recited top sheet of claim 11 that includes inter alia a thermoplastic resin containing at least two differently sized particulate materials of inorganic particles having a mean particle size in the range between 0.1 μm and 30 μm , each at least two differently sized particulate materials differing in size from each other by at least 9 μm . Furthermore, the top sheet is provided with fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet and a plurality of protrusions extending from the body facing surface, and height of each protrusion from the body facing surface is larger than that of each fine convex portion therefrom and a mean height of the protrusions from the surface of the top sheet is in a range between 0.05 mm and 1.0 mm.

The prior art fails to teach or suggest the recited top sheet of claim 12 that includes inter alia a thermoplastic resin containing at least two differently sized particulate materials having a mean particle size in the range between 0.1 μm and 30 μm , each at least two differently sized particulate materials differing in size from each other by at least 9 μm . Furthermore, the top sheet includes micropores formed around the particulate materials, fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet and a plurality of protrusions extending from the body facing surface, and height of each protrusion from the body facing surface is larger than that of each fine convex portion therefrom and a mean height of the protrusions from the surface of the top sheet is in a range between 0.05 mm and 1.0 mm.

The prior art fails to teach or suggest the recited top sheet of claim 13 that includes inter alia a thermoplastic resin containing at least two differently sized particulate materials having a mean particle size in the range between 0.1 μm and 30 μm , each at least two differently sized particulate materials differing in size from each other by at least 9 μm . Furthermore, the top sheet is provided with fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet and a plurality of protrusions extending from the body facing surface, and a mean height of the protrusions from the surface of the top sheet is in a range between 0.05 mm and 1.0 mm.

The prior art fails to teach or suggest the recited top sheet of claim 14 that includes inter alia a thermoplastic resin containing at least two differently sized particulate materials having a mean particle size in the range between 0.1 μm and 30 μm , each at least two differently sized particulate materials differing in size from each other by at least 9 μm . Furthermore, the top sheet is provided with fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet and a plurality of protrusions extending from the body facing surface, and height of each protrusion from the body facing surface is larger than that of each fine convex portion therefrom. Also, the fine convex portions include small-size particles defined by exposing a part of a first particulate material having a first particle size and large-size particles defined by exposing a part of a second particulate material having a second particle size which is greater than the first particle size.

The prior art fails to teach or suggest the recited top sheet of claim 15 that includes inter alia a thermoplastic resin containing at least two differently sized particulate materials having a mean particle size in the range between 0.1 μm and 30 μm , each at least two differently sized

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particulate materials differing in size from each other by at least 9 μm . Furthermore, the top sheet is provided with fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet and a plurality of protrusions extending from the body facing surface, and height of each protrusion from the body facing surface is larger than that of each fine convex portion therefrom and a mean height of the protrusions from the surface of the top sheet is in a range between 0.05 mm and 1.0 mm. Also, the fine convex portions include small-size particles defined by exposing a part of a first particulate material having a first particle size and large-size particles defined by exposing a part of a second particulate material having a second particle size which is greater than the first particle size.

The prior art fails to teach or suggest the recited top sheet of claim 16 that includes inter alia a thermoplastic resin containing at least two differently sized particulate materials having a mean particle size in the range between 0.1 μm and 30 μm , each at least two differently sized particulate materials differing in size from each other by at least 9 μm . Furthermore, the top sheet is provided with fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet and a plurality of protrusions extending from the body facing surface, and height of each protrusion from the body facing surface is larger than that of each fine convex portion therefrom. Also, the fine convex portions include small-size particles defined by exposing a part of a first particulate material having a first particle size and large-size particles defined by exposing a part of a second particulate material having a second particle size which is greater than the first particle size. The first particles and second particles are blended in a ratio of 40:60.

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The prior art fails to teach or suggest the recited top sheet of claim 17 that includes inter alia a thermoplastic resin containing at least two differently sized particulate materials having a mean particle size in the range between 0.1 μm and 30 μm , each at least two differently sized particulate materials differing in size from each other by at least 9 μm . Furthermore, the top sheet is provided with fine convex portions defined by exposing a part of the particulate material on a body facing surface of the top sheet and a plurality of protrusions extending from the body facing surface, and height of each protrusion from the body facing surface is larger than that of each fine convex portion therefrom and a mean height of the protrusions from the surface of the top sheet is in a range between 0.05 mm and 1.0 mm. Also, the fine convex portions include small-size particles defined by exposing a part of a first particulate material having a first particle size and large-size particles defined by exposing a part of a second particulate material having a second particle size which is greater than the first particle size. The first particles and second particles are blended in a ratio of 40:60.

In sum, the prior art of record fails to teach or suggest a top sheet having all the features of the base claims.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

6/21/04




HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/22/04